

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

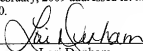
Applicants:	Palmaz et al.	Attorney Docket:	6006-015
Serial No.:	09/707,685	Examiner:	C. Miller
Filed:	November 7, 2000	Art Unit:	3738
Confirmation No.:	9696	Customer No.:	29,335
Title:	ENDOLUMINAL STENT, SELF-SUPPORTING ENDOLUMINAL GRAFT AND METHODS OF MAKING SAME		

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Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF ELECTRONIC FILING**

I certify that this document (along with any documents referenced as being included herewith) is being transmitted on this the 10<sup>th</sup> day of February, 2009 addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Lori Dunham

**PETITION FOR WITHDRAWAL OF ABANDONMENT**

Dear Sir:

Applicants are in receipt of a Notice of Abandonment mailed December 10, 2008 for the above-captioned case. The Notice of Abandonment indicates that this patent application has been abandoned because the period for seeking court review of the decision rendered by the Board of Patent Appeals and Interference on September 30, 2008 (hereinafter referred to as "the Board Decision"), had expired, and there were no allowed claims. Unfortunately, neither the applicants nor their attorneys received a copy of the Board Decision until after the aforementioned Notice of Abandonment was received. For that reason, applicants respectfully request that the holding of abandonment of the above-captioned patent application be withdrawn.

The Office recognizes that occurrences of an applicant not receiving a communication from the Office can happen, and can serve as the basis for withdrawal of a holding of

abandonment. See MPEP 711.03(c). The MPEP makes plain that a petition requesting withdrawal of a holding of abandonment of a case on the basis of a communication document sent by the Office not received by applicant's attorneys "must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO." See MPEP 711.03(c).

Applicants aver that applicants' legal representative, Rosenbaum & Associates, P.C., did not receive a mailed copy of the Board Decision. In support of non-receipt of a mailed copy of the Board Decision, applicants submit: (i) a Declaration of Suzanne M. Cotugno (hereinafter referred to as "the Declaration"); (ii) an application file jacket for the above-captioned patent application, as Exhibit A of the Declaration; and (iii) an individual docket report for the above-captioned patent application, as Exhibit B of the Declaration. A careful inspection of these documents reveals that applicants' representative employs a detailed and methodical procedure to take in and sort mail, enter communication documents from the U.S. Patent and Trademark Office into both physical and electronic records, place the original communication document into a physical file and place an electronic copy of the original document into an electronic docketing system, and provide patent practitioners in the office of applicants' representative with docket reports by which matters are noticed and thus attended to timely. A careful inspection of these documents further reveals that precisely where one would expect to see the recital of the Board Decision (prior to the Office's mailing of the Notice of Abandonment), there simply is no such recital. In view of the established and regular procedures of docket management set forth in the Declaration of Suzanne M. Cotugno, Paragraph 4, and repeated above, this lack of recital of the Board Decision is compelling evidence of the non-receipt of the Board Decision by applicants' representative.

In view of the showing presented herein of non-receipt of the mailed Board Decision, Applicants hereby petition for withdrawal of the holding of abandonment of the instant application.

There is no fee believed due with this Petition, however, the Commissioner is authorized to deduct any required fees from deposit Account 18-2000.

Should there be any further questions or concerns, the Office is encouraged to telephone the undersigned in order to expedite the processing of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David G. Rosenbaum', with a long, sweeping horizontal line extending to the right.

David G. Rosenbaum  
Reg. No. 31,872

February 10, 2009

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